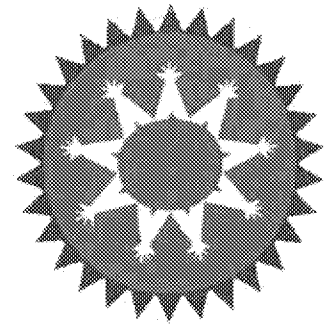


Julian Bear Runner

Oglala Sioux Tribe

Office of the President

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August 21, 2020

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Chip Kimball
Field Manager
South Dakota Field Office
U.S. Bureau of Land Management
309 Bonanza Street
Belle Fourche, SD 57717
lkimball@blm.gov

Re: Dewey-Burdock Uranium Mining Project

Dear Ms. Kimball and Ms. Robinson:

Please be advised that the Oglala Sioux Tribe is hereby requesting joint Government-to-Government consultations between the Environmental Protection Agency (EPA), Bureau of Land Management (BLM) and the Oglala Sioux Tribe pursuant to President Clinton's Executive Order No. 13175 and Oglala Sioux Tribal Council Ordinance No. 10-11 to discuss what impacts that the Dewey-Burdock In Situ Uranium Mining Project will have on in both the project area, and area surrounding the project area. The whole southern Black Hills area is part of the aboriginal homeland of the Oglala Sioux Tribe as recognized under Article 5 of the 1851 Fort Laramie Treaty and Article 2 of the 1868 Fort Laramie Treaty.

Please keep in mind that your agencies -- as part of the Federal Government -- are the trustee of the Oglala Sioux Tribe and must always act in the Tribe's best interest of the Tribe approving federally sanctioned energy projects like Dewey-Burdock Project. See *Covelo Indian Community v. FERC*, 895 F.2d 581 (9th Cir. 1990) (all government agencies have "fiduciary" responsibilities to tribes, and must always act in the interests of the beneficiaries); and *Blue Legs v. U.S. Bureau of Indian Affairs*, 867 F.2d 1094, 1100 (8th Cir. 1989) ("[t]he existence of a trust duty between the United States and an Indian or Indian tribe can

be inferred from the provisions of a statute, treaty or other agreement, reinforced by the undisputed existence of a general trust relationship between the United States and the Indian people”).

The Tribe would like to jointly consult with Bureau of Land Management (BLM) and the Environmental Protection Agency (EPA) all aspects of the Dewey-Burdock Project, and highlight the following items for Bureau of Land Management’s and Environmental Protection Agency’s attention.

1. Impact on historic and cultural resources (including rock features);
2. Impact on water quality and contamination of both ground and surface waters;
3. Impact of injection wells;
4. Impact on tribal treaty rights (including hunting and fishing rights);
5. Impact of reservation agriculture+.
6. Removal of uranium tailings from past mining operations;
7. Impact of storage, interim treatment, shipments, and disposal of radioactive wastes;
8. Other concerns or issues of the Tribe and its members

The Tribe requests that your two agencies invite all other 1868 Treaty tribes to the consultations and include any concerns they may have regarding the project. This includes tribal officials and THPOs.

The Tribe also requests that Bureau of Land Management (BLM) confer and coordinate with Environmental Protection Agency (EPA) to ensure ongoing federal consultations with the Tribe are carried out in accordance with the procedures attached on the agenda already exchanged between the EPA and Oglala Sioux Tribe. We look forward to setting a schedule for the consultations at a time mutually agreed upon by the EPA, BLM and the Tribe, taking into consideration the protections we must all take to address the ongoing pandemic.

The Tribe’s contact person regarding the joint consultations is Ms. Jennifer Spotted Bear, telephone number 605- 867-8468.


Mr. Julian Bear Runner
OST Tribal President

cc: Jennifer Spotted Bear, OST Secretary
Chancy Wilson, OST Land Committee, Chairman
Barbara Yellow Hair, OST Land Committee, Secretary
Russell Zephier, OST Attorney
Mario Gonzalez, OST Attorney